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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,433

Applicant(s)

BIRD ET AL.

Examiner

Munjal Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-17 is/are pending in the application.
4a) Of the above claim(s) 2, 3 and 18 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 4-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/ISD)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of the form and legal phraseology used in the abstract, specifically the words “means”, “said”, “there between”, and the phrase “a consumer merely brings”. In addition statements of relative merit such as “merely” and “consumer friendly” and “flexible” and “simple” are not allowed. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 1, “... second device comprises proximity detection means and timing means wherein said method comprises the acts of detecting when said devices are near each other, detecting a duration of proximity of the first device and second device to each other, exchanging identifiers of the first device and the second device, establishing the link if the duration exceeds a predetermined value ...” is indefinite in terms of the definition of the distances involved with being ‘proximate’ ‘near each other’, and the duration of proximity to qualify for the configuration process. It is suggested that the applicant define proximity and the duration interval for this proximity detection, as described in the specification.

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4. Regarding claim 4-8, Claim 4-8 are rejected due to dependency on claim 1.
5. Regarding claim 4, "The method as claimed in claim 1, wherein said predetermined value is less than ten seconds." is rejected as the predetermined value is indefinite for a minimum duration of proximity. Does the minimum interval include zero, and if so, how is that realizable? Applicant is suggested to change "Predetermined value" to "predetermined duration" which has support in specification.
6. Regarding claim 5, "The method as claimed in claim 1, wherein said predetermined value is about 2 seconds" is rejected as being indefinite predetermined value "about 2 seconds". Applicant is suggested to change "Predetermined value" to "predetermined duration" which has support in specification
7. Regarding claim 6, "The method as claimed in claim 1, wherein said identifiers are pre-installed radio identifiers." is rejected as failing to describe these 'radio identifiers', and hence not limiting the possible identifier data set to a realizable size.
8. Regarding claim 8, "The method as claimed in claim 1, further comprising the act of indicating a configuration status of a link." fails to point out the antecedent basis for what the 'act of indicating' phrase refers to. It is suggested that the applicant define 'act of indicating' in the claim, referring to the indicators in the specification. Also the applicant fails to point out what specific configuration status behavior would be indicated by this act of indicating.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libes (PGPUB US 2003/0162556 A1, Aug. 28, 2003) as applied to claim 1 below, and further in view of Sako et al (US Patent # 6,980,083 B2, published Feb 27, 2003) herein after referred as Sako.
4. Regarding claim 1, Libes discloses a method and system for communication between two wireless enabled devices along with the method of configuring a radio link between a first device and a second device (Libes: paragraph 31, line 1), each of the first device and second device comprises radio means (Libes: paragraph 31, lines 2), and wherein at least one of the first device and the second device comprises proximity detection means and timing means wherein said method comprises the act of : detecting when said devices are near each other (Libes: paragraph 37, line 1 – the magnet and detector are specified for proximity detection, paragraph 48 and figures 23 and 24 discuss proximity timing intervals), exchanging identifiers of the first device and the second device, Establishing the link if the duration exceeds a predetermined value (Libes: Fig 23) and the identification are new (Libes: Deciding block “Can the connection be created” in fig 23) and removing the link if a first identifier of the first device is already present at the second device.

However, Libes fails to disclose exchanging identifiers of the first device and the second device, establishing the link if the duration exceeds a predetermined value and the identification are new and removing the link if a first identifier of the first device is already present at the second device.

However, the examiner maintains that it was well known in the art to provide exchanging identifiers of the first device and the second device, establishing the link if the duration exceeds a predetermined value (Libes: Fig 23) and the identification are new and removing the link if a first identifier of the first device is already present at the second device, as taught by Sako.

In a similar field of endeavor Sako discloses a Radio communication system. In addition, Sako discloses exchanging identifiers of the first device and the second device (Sako: Fig 8: 61 & 63), establishing the link if the duration exceeds a predetermined value (Libes: Fig 23) and the identification are new (Sako: Fig11: S25 & column 9 lines 1-11) and removing the link if a first identifier of the first device is already present at the second device (Sako: column 9 lines 12-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Libes by specifically providing exchanging identifiers of the first device and the second device, establishing the link if the duration exceeds a predetermined value and the identification are new and removing the link if a first identifier of the first device is already present at the second device, as taught by Sako, for the purpose of saving power in portable device.

5. Claim 2 is canceled by the applicant.

6. Claim 3 is canceled by the applicant.
7. Regarding claim 4, Libes in further view of Sako discloses everything in claim 1 as above along with predetermined value is less than ten seconds (Libes: Figures 23 and 24 range from 100-350 milliseconds, which is less than 10 seconds).
8. Regarding claim 5, Libes in further view of Sako discloses everything in claim 1 as above along with said predetermined value is about 2 seconds. for the same reasons as claim 4. Being adjustable these timer intervals also anticipate the larger interval of 2 seconds.
9. Regarding claim 6, Libes in further view of Sako discloses everything in claim 1 as above, along with identifiers are pre-installed radio identifiers Claim 6 is rejected on the same grounds as claim 1, (Libes: paragraph 32: lines [14-17]).
10. Claim 7 is rejected under 35 U.S.C 103(a) as being unpatentable over Libes in further view of Sako in further view of O'Toole (US 6,130,602).
11. As per claim 7, Libes in further view of Sako teaches a method as claimed in claim 1. Libes in further view of Sako does not teach "wherein said establishing of said link comprises exchanging randomly generated radio identifiers."
12. however examiner maintains that it was known to person ordinarily skilled in the art at the time of invention to modify Libes in further view of Sako in further view of O'Toole by including " establishing of said link comprises exchanging randomly generated radio identifiers" as disclosed by O'toole.
13. In similar endeavor O'Toole discloses establishing of said link comprises exchanging randomly generated radio identifiers (O'Toole: paragraph 188 "the

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interrogator 26 sends a command causing each device 12 of a potentially large number of responding devices 12 to select a random number"). It would have been obvious for someone with an ordinary level of skill in communications circuitry design to combine this random identifier scheme with Libes in view of Sako. O'Toole's rationale is to allow multiple RF tags to automatically arbitrate their identities while in a clustered situation with multiple possible responding devices by selecting uniquely random identifier numbers 'to select a random number from a known range and use it as that device's arbitration number'.

14. Regarding claim 8, Libes in further view of Sako discloses everything in claim 1 as above along with act of indicating a configuration status of the link (Libes: paragraph 45, lines[20-22]).

15. Regarding claim 9, Libes in further view of Sako discloses A system having a first radio device and a second radio device comprising radio means operable to communicate via a configurable radio link there between (Libes: paragraph 31), and wherein at least one of said devices comprises proximity detection means for detecting when said devices are in close proximity (Libes: paragraph 37) the first device and second device exchange identifiers and timing means for detecting duration of said proximity (Libes: paragraph 48 and figures 23 and 24 discuss timing) and wherein said radio means establish the radio link if the duration exceeds a predetermined value (Libes: Fig 23) and the identifications are new (Sako: Fig11: S25 & column 9 lines 1-11) and remove the radio link if a first identifier of the first device is already present at the second device (Sako: column 9 lines 12-36).

16. Regarding claim 10, Libes in further view of Sako discloses everything in claim 9 as above along with first and second device are adapted to physically connect with respective host apparatus (Libes: Fig 4: "mechanical components that physically interlock) and wherein said apparatus communicate with one another via said configurable radio link (Libes: paragraph 32 & Fig 1).

17. Regarding claim 11, Libes in further view of Sako discloses a radio device operable to communicate via a configurable radio link with a second device (Libes: paragraph 31) the radio device comprising proximity detection means for detecting when said devices are in close proximity where the first device and the second device exchange identifiers (Libes: paragraph 37), timing means for detecting duration of said proximity (Libes: figures 23 and 24 and paragraph 37) and radio means for establishing

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the radio link if the duration exceeds a predetermined value (Libes: Fig 23) and the identifications are new (Sako: Fig11: S25 & column 9 lines 1-11) and for removing the radio link if a first identifier of the first device is already present at the second device (Sako: column 9 lines 12-36).

18. Regarding claim 12, Libes in further view of Sako discloses everything in claim 11 as above along with proximity detection means comprises a reed switch and magnet (Libes: paragraph 38 and figure 10, item 404).

19. Regarding claim 13, Libes in further view of Sako discloses everything in claim 12 as above along with magnet has insufficient field strength to operate said reed switch, and wherein said switch and magnet are arranged such that some of the magnetic field lines emanating from the magnet are perpendicular to the direction in which the switch closes. It is obvious to one ordinary skilled in art to selecting the physical and magnetic orientations in mounting the magnet and reed relay switch.

20. Regarding claim 14 Libes in further view of Sako discloses everything in claim 13 as above along with a magnet has sufficient field strength to operate said reed switch, and wherein said switch and magnet are arranged such that the magnetic field lines emanating from the magnet are substantially parallel to the direction in which the switch closes, claim 14 is rejected is for the same reasons as claim 13.

21. Regarding claim 15 Libes in further view of Sako discloses everything in 13 as above along with a timing means comprises a micro-controller connected with said proximity detection means. Claim 15 is rejected for the same reasons as claims 13

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additionally because It is obvious to one ordinary skilled in art to have a micro-controller for implementing a communication device (Libes: paragraph 47 and 48).

22. Regarding claim 16, Libes in further view of Sako discloses everything in claim 15 as above along with radio means comprises a digital transceiver controlled by said micro- controller, claim 16 is rejected for the same reasons as claim 15 additionally because It is obvious to one ordinary skilled in art to have a digital transceiver for implementing a communication device (Libes: paragraph 48: 'individual processing system for wireless handshaking').

23. Regarding claim 17, Libes in further view of Sako discloses everything in claim 11 as above along with the device being further adapted to physically connect with a host apparatus. Claim 17 is rejected for the same reasons as claim 11 in addition (Libes: paragraph 41, lines [1]), and provide and receive data to and from said host apparatus along with Libes: paragraph 41, lines [2-6]).

24. Claim 18 is canceled by applicant.

Response to Arguments

25. Applicant's arguments with respect to claims 1and 4-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. US 20040248569 A1 - Portable terminal having function of detecting other device
- b. US 20040204072 A1 – Apparatus and method for detecting other device using short distance communication.
- c. US 5926764 A – Method for establishing a telecommunication connection.
- d. US 6347095 B1 – System, devices and methods for use in proximity based networking.
- e. US 20050020211 A1 – Base station and mobile station in dedicated short range communication system.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Munjal Patel whose telephone number is (571)270-5541. The examiner can normally be reached on Monday - Thursday 8:00 AM - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Munjal Patel
Examiner
Art Unit 4113

mp
/Jefferey F Harold/
Supervisory Patent Examiner, Art Unit 4113